

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
AT CINCINNATI

TERESA ANN CHARLES,	:	Case No. 1:20cv152
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	Magistrate Judge Stephanie K. Bowman
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

ORDER GRANTING THE MOTION BY PLAINTIFF'S ATTORNEY FOR FEES UNDER
SOCIAL SECURITY ACT, 42 U.S.C. SECTION 406 (b) (Doc. 21)

This matter is before the Court on the Motion by Plaintiff's Attorney for Fees Under Social Security Act, 42 U.S.C. Section 406(b). (Doc. 21.) Defendant has filed a response indicating no objection to the pending Motion. (Doc. 22.) For the reasons set forth below, the Court **GRANTS** the Motion and awards fees in the amount of \$12,241.63.

The Court is permitted to award a reasonable fee for representation, not to exceed 25% of the total past due benefits to which the Social Security claimant is entitled, if the Court renders a judgment favorable to the claimant. 42 U.S.C. § 406(b)(1)(A). Fees awarded pursuant to this section is paid out of the claimant's past-due benefits. *Ringle v. Comm'r Soc. Sec.*, 295 F. Supp. 3d 816, 822 (S.D. Ohio 2018).

Although the statute limits an award of benefits to no more than 25%, a court must still ensure that the requested fee amount is reasonable. *Id.* The most common factors

“used to determine whether a fee is ‘reasonable,’ includ[e]: (1) the *Hayes* test;¹ (2) the amount of administrative and/or judicial delay; (3) the quality and quantity of attorney hours expended; (4) whether counsel has compromised his/her fee; (5) whether the Commissioner has filed any opposition; and (6) a small number of less ‘common’ factors.” *Sturgill v. Comm'r of Soc. Sec.*, No. 1:18-CV-607, 2021 WL 1608432, at *1 (S.D. Ohio Apr. 26, 2021), *report and recommendation adopted*, No. 1:18-CV-607, 2021 WL 2000573 (S.D. Ohio May 19, 2021).

Here, Plaintiff’s counsel successfully pursued an appeal of Plaintiff’s disability benefits, which were awarded upon remand. Having independently reviewed Plaintiff’s motion, the undersigned concludes that the motion should be granted in full because the requested fee is within the 25% statutory cap on fee awards for work performed in federal court and is otherwise reasonable.

Accordingly, the Motion is **GRANTED**. Plaintiff’s counsel is **AWARDED** the full amount requested in the Motion, which is \$12, 241.63.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND